

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WP(C).No. 30989 of 2006(L)

PETITIONER:

**N.R.RAJEEVNATH,
S/O.RAGHAVAN, AGED 35 YEARS,
RESIDING AT NJONDANMAKKAL HOUSE,
VELLAYAMKKUDI, KATTAPPANA, IDUKKI DISTRICT.**

BY ADV. SRI.P.K.JOSE

RESPONDENTS:

- 1. THE STATE OF KERALA,
REP. BY ITS SECRETARY TO GOVERNMENT,
CO-OPERATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. REGISTRAR OF CO-OPERATIVE SOCIETIES,
KERALA, SECRETARIAT, THIRUVANANTHAPURAM.**
- 3. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL),
IDUKKI, OFFICE OF THE JOINT REGISTRAR,
PINAVU P.O., IDUKKI DISTRICT.**
- 4. THE ASST. REGISTRAR OF CO-OP. SOCIETIES
(GENERAL),
UDUMPANCHOLA, NEDUMKANDAM,
IDUKKI DISTRICT.**
- 5. THE IDUKKI DISTRICT TAXI DRIVERS
CO-OP. SOCIETY,
LIMITED NO.I-191, REP. BY ITS SECRETARY,
KATTAPPANA P.O., IDUKKI DISTRICT.**
- 6. K.P.HASAN, KOOMAPANKALLIL HOUSE,
VELLAYAMKUDI P.O., IDUKKI DISTRICT.**
- 7. JINOY KURIAN,
CHENNATTUMATTOM HOUSE, KATTAPPANA P.O.,
IDUKKI DISTRICT.**
- 8. RAJESH K.MATHEW,
KOTTARAMKUNNEL HOUSE, KATTAPPANA P.O.,
IDUKKI DISTRICT.**

**9. JAYANTHI C.PHILIP,
CHEKKOTTU HOUSE, VELLAYAMKUDI P.O.,
IDUKKI DISTRICT.**

**10. SHYAM BABU, SHYAM BHAVAN,
KANJIYAR P.O., IDUKKI DISTRICT.**

**11. THOMAS JOHN, THEEMPALANGADU HOUSE,
IRINJAMALA P.O., IDUKKI DISTRICT.**

**12. BINOY K.J., KOZHIMANNIL HOUSE,
KATTAPPANA P.O., IDUKKI DISTRICT.**

**13. E.S.BABU, ETTIKAL HOUSE,
KATTAPPANA P.O., IDUKKI DISTRICT.**

**14. V.N.VIJAYAN, VATTAZHIYILE HOUE,
KATTAPPANA SOUTH P.O., IDUKKI DISTRICT.**

**15. SASIDHARAN, KANDATHIL HOUSE,
KATTAPPANA P.O., IDUKKI DISTRICT.**

**16. K.M.THOMAS,
KARUVATHAZHE HOUSE, KATTAPPANA P.O.,
IDUKKI DISTRICT.**

**BY ADV. SRI.D.SOMASUNDARAM
BY GOVT.PLEADER SRI.P.K.RAVIKRISHNAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/03/2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Petitioner's Exhibits

Ext.P1: True copy of the order No.SCTM 1039/03 dated 12-12-2003

Ext.P2: True copy of the judgment dated 01-11-2004 in W.P(C) No.15980/2004

Ext.P3: True copy of the order No.SCTM 1039/04 dated 02-11-2004

Ext.P4: True copy of the letter dated 25-11-2004 issued by the Secretary of the 5th respondent to the petitioner

Ext.P5: True copy of the resignation letter dated 02-12-2004 submitted by the 6th respondent before the committee of the 5th respondent society

Ext.P6: True copy of the minutes of the meeting convened on 02-12-2004 of the 5th respondent Co-operative Society

Ext.P7: True copy of the resignation letter submitted by the 7th respondent to the Secretary of the Society

Ext.P8: True copy of the communication dated 22-01-2005 issued by the Secretary of the 5th respondent society to the 3rd respondent Joint Registrar

Ext.P9: True copy of the complaint filed by the 6th respondent before the Judicial First Class Magistrate Court Kattappana

Ext.P10: True copy of the report No.AS 90/2005 of the State Forensic Science Laboratory, Police Department, Government of Kerala

Ext.P11: True copy of the order No.G.O (Rt) No.106/2005/Co-operative dated 18-02-2005

Ext.P12: True copy of the complaint dated 11-05-2005 submitted by the petitioner before the 3rd respondent

Ext.P13: True copy of the letter dated 20-07-2005 issued by the 3rd respondent to the petitioner

Ext.P14: True copy of the written statement dated 04-10-2005

Ext P15: True copy of the reminder submitted by the petitioner dated 10-10-2006

Ext.P16: True copy of the report dated 31-08-2006 submitted by the B unit inspector to the 4th respondent

Ext.P17: True copy of the circular No.EM(2) 137/99 dated 23-03-1999.

Ext.P18: True copy of the circular No.EM (2) 25846/90 dated 07-06-1991

Ext.P19: True copy of the representation submitted by the petitioner before the 3rd respondent dated 18-09-2006

Ext.P20: True copy of the application submitted by Bijumon before the Joint Registrar

Ext.P21: True copy of the representation filed by Sri.Bijumon before the 5th respondent society

Respondent's Exhibits

Ext.R8 A- True copy of paper notification published in the Madhyamam Daily dated 7-8-2005

Ext.R8 B- True copy of the resolution of the 5th respondent Society regarding the appointments

//True copy//

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S.SIRI JAGAN .J

W.P (C) No 30989 of 2006

Dated this the 6th day of February 2007

JUDGMENT

The allegation in this writ petition is that the 6th respondent is continuing as president of the 5th respondent Society even though he had resigned from the post, which fact is strongly disputed by the 6th respondent. In view of the submission made by the petitioner that for the present he is satisfied with a direction to the third respondent to consider and dispose of Exts P12 and P19 representations, I am not inclined to go into the disputed questions of fact raised by the parties in the writ petition. In the above circumstances I direct the third respondent to consider and pass appropriate orders on Exts P12 and P19 representations after affording an opportunity of being heard both to the petitioner as well as the 6th respondent and other Board members of the society as expeditiously as possible at any rate within 2 months from the date of receipt of a copy of this judgment . This writ petition is disposed of as above.

S.SIRI JAGAN .JUDGE

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